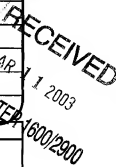


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(to be used for all correspondence after initial filing)


Application Number	09/693,204
Filing Date	10/19/00
First Named Inventor	Warrington, et al.
Group Art Unit	Diana B. Johannsen
Examiner Name	1634
Attorney Docket Number	3240.1

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> If Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; width: fit-content;"> Return Postcard </div>		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<table border="1" style="width: 100%;"> <tr> <td style="width: 20%; text-align: center; vertical-align: top;">Remarks</td> <td> Response to Office Action: 7 pages The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 01-0431. </td> </tr> </table>		Remarks	Response to Office Action: 7 pages The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 01-0431.
Remarks	Response to Office Action: 7 pages The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 01-0431.			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Wei Zhou, Reg. No.: 44,419
Signature	
Date	02/27/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: Feb 27-03

Typed or printed name	Lori Garcia		
Signature	Lori Garcia	Date	2-27-03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
3240.1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on 02/27/03.

In re Application of

Warrington, et al

Application Number

09/693,204

Filed

October 19, 2000

For

Methods for Identifying and Using Maintenance Genes

Group Art Unit
1634Examiner
Diana B. Johannsen

Signature

Typed or printed

Name

Lori Garcia

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the decision of the examiner.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 08/28/02, rejecting the following claims: 10-13.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 320.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$

☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 01-0431. I have enclosed a duplicate copy of this sheet.☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) 44,419

Wei Zhou, Reg. No.: 44,419

Typed or printed name

02/27/03

Date

03/07/2003 01FC:1401 320.00 CH

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

MAR 11 2003

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1250

Complete if Known

Application Number 09/663,204
 Filing Date October 18, 2000
 First Named Inventor Warrington et al.
 Examiner Name Diana B. Johannsen
 Group / Art Unit 1634
 Attorney Docket No. 3240 1

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

01-0431

Deposit
Account
Name

AFETYMETRIX, INC.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee			
1002	330	2002	165	Design filing fee			
1003	520	2003	260	Plant filing fee			
1004	750	2004	375	Reissue filing fee			
1005	160	2005	80	Provisional filing fee			

SUBTOTAL (1)

(\$0)

2. EXTRA CLAIM FEES

Total Claims	-20 **	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3 **	0	X	0
Multiple Dependent		X		0

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20		
1201	84	2201	42	Independent claims in excess of 3		
1203	280	2203	140	Multiple dependent claims, if not paid		
1204	84	2204	42	** Reissue independent claims over original patent		
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		

SUBTOTAL (2)

(\$0)

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

FEE CALCULATION (continued)

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1061	130	2051	65	Surcharge - late filing fee or oath			
1062	50	2052	25	Surcharge - late provisional filing fee or cover sheet			
1053	130	1053	130	Non-English specification			
1812	2,520	1812	2,520	For filing a request for reexamination			
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action			
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action			
1251	110	2251	55	Extension for reply within first month			
1252	410	2252	205	Extension for reply within second month			
1253	930	2253	465	Extension for reply within third month			930.00
1254	1,450	2254	725	Extension for reply within fourth month			
1255	1,970	2255	985	Extension for reply within fifth month			
1401	320	2401	160	Notice of Appeal			320.00
1402	320	2402	160	Filing a brief in support of an appeal			
1403	280	2403	140	Request for oral hearing			
1451	1,510	1451	1,510	Petition to institute a public use proceeding			
1452	110	2452	55	Petition to revive - unavoidable			
1453	1,300	2453	650	Petition to revive - unintentional			
1501	1,300	2501	650	Utility issue fee (or reissue)			
1502	470	2502	235	Design issue fee			
1503	330	2503	165	Plant issue fee			
1600	130	1600	130	Petitions to the Commissioner			
1807	50	1807	50	Processing fee under 37 CFR 1.117 (g)			
1806	180	1806	180	Submission of Information Disclosure Stmt			
8021	40	8021	40	Recording each patent assignment per property (times number of properties)			
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))			
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))			
1801	750	2801	375	Request for Continued Examination (RCE)			
1802	900	1802	900	Request for expedited examination of a design application			

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$1250)

SUBMITTED BY

Name (Print/Type)

Wei Zhou

Registration No. Attorney/Agent

44,419

Telephone

(408) 731-5000

Signature

Date

02/27/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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MAR 11 2003



Patent Docket No. 3240.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Warrington, *et al.*

Examiner: Diana B. Johannsen

Serial No: 09/693,204

Group Art Unit: 1634

Filing Date: October 19, 2000

Title: Methods For Identifying And
Using Maintenance Genes

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

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RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated August 28, 2002, Applicants request that the Examiner enter the following amendments and consider the following remarks and withdraw the present rejections.

Applicants respectfully petition for a 3-month extension of time within which to respond to the outstanding Office action, including August 28, 2002.

IN THE CLAIMS

Please cancel Claims 10 and 11 without prejudice. Applicants will pursue the cancelled claims in a related application.

Please amend Claim 13 as follows:

13. (Amended) A method for determining the expression of a gene in a plurality of